

DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare: that my residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SURGICAL INSTRUMENT WITH TRIGGER CONTROL, the specification of which was filed on March 28, 2003, as THORPE NORTH & WESTERN L.L.P. Docket No. 21317.PROV. I acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as its attorneys and/or patent agents the law firm of THORPE, NORTH & WESTERN, LLP, having a business address of 8180 South 700 East, Suite 200, Sandy, Utah 84070, and VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; CLIFTON W. THOMPSON, Registration No. 36,947; GARRON M. HOBSON, Registration No. 41,073; PETER M. DE JONGE, Registration No. 47,521; WEILI CHENG, Registration No. 44,609; DAVID R. MCKINNEY, Registration No. 42,868; STEVE M. PERRY, Registration No. 45,357; GARY P. OAKESON, Registration No. 44,266; DAVID W. OSBORNE, Registration No. 44,989; JASON R. JONES, Registration No. 51,008; DAVID L. STOTT, Registration No. 43,937; ERIK S. ERICKSEN, Registration No. 48,954; and PAUL C. OESTREICH, Registration No. 44,983; all with full power of substitution and revocation, to

prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence concerning this application should be directed to:

THORPE, NORTH & WESTERN, LLP Customer No. 20,551

Vaughn W. North

THORPE, NORTH & WESTERN, LLP

P.O. Box 1219

Sandy, Utah 84091-1219

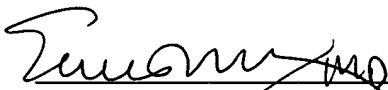
Telephone: (801) 566-6633

Facsimile: (801) 566-0750

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at SALT LAKE CITY, UTAH, this NINTH day of APRIL,
2003.

INVENTOR(S):



Residence: (City, State):

Citizenship:

Post Office Address:

Dr. Earl C. Downey

Salt Lake City, Utah

United States of America

100 North Medical Drive, #2600

Salt Lake City, Utah 84103